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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,048	12/01/2003	Malin E. Holcomb	100993.00005	2976

26710 7590 06/21/2007
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MILWAUKEE, WI 53202-4497

EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

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06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10725048	12/01/2003	HOLCOMB ET AL.	100993.00005

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EXAMINER

Joseph F. Edell

ART UNIT	PAPER
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20070605

DATE MAILED:

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Commissioner for Patents

This is in response to the Order Returning Undocketed Appeal to Examiner, entered on 17 May 2007.

SUPPLEMENTAL EXAMINER'S ANSWER

Responsive to Appellant's new arguments in the Reply Brief filed on 21 February 2006, a supplemental Examiner's Answer is set forth below:

Response to Argument

1. In response to Appellant's arguments regarding the "scarf" limitation of claim 9 of Chew, Examiner contends that these arguments detract from the central issue of whether the teachings of Chew anticipated independent claim 1 of the instant application. Claim 1 of the instant application merely requires that the a cushion include "a body which stretches and contracts to conform to alteration of the curvature of the shell." Examiner's position is that this is a broad limitation. Whether Chew teaches that the cushion is scarfed such that cushion sections are jointed together or chamfered together, both interpretations read on the limitation of clam 1. Claim 1 is so broad that virtually any compression or stretching of a seat back cushion would read on this claim. For example, any cushion, whether in one piece, two pieces, or five pieces, will conform to the alteration in curvature of a seat back whenever a user leans against the seat back shell causing the shell to bend. This simple movement by the user causing the cushion to compress will meet the limitation of claim 1.

With respect to Diagram B in the Examiner Answer mailed 12 January 2006, Diagram B is utilized to illustrate that the cushion of Chew stretches and contracts to conform to alteration of the shell's curvature when the wings move relative to the back panel.

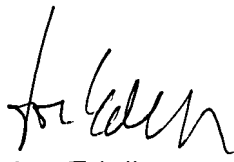
Art Unit: 3636

2. In addition, Appellant argues that the limitation of dependent claims 6, 14, and 19 that the cover is "of stretchable material" is not taught by Chew because a cloth cover is not inherently stretchable. Appellant is interpreting this limitation too narrowly by requiring considerable stretching. Claims 6, 14, and 19 do not require substantial stretching. Cloth is not merely stretchable on a microscopic level but is stretchable as interpreted by one of ordinary skill in the art.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Joe Edell

A Technology Center Director or designee has approved this supplemental Examiner's answer by signing below:


WYNN W. COGGINS
TECHNOLOGY CENTER DIRECTOR